



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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David B. Cohen
Mayor

Public Hearing Date:	February 23, 2009
Zoning and Planning Action Date:	To be determined
Board of Aldermen Action Date:	To be determined
90-Day Expiration Date:	To be determined

DATE: February 20, 2009

TO: Ald. Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee

FROM: Michael Kruse, Director of Planning and Development
Jennifer Molinsky, Principal Planner/Zoning and Planning Coordinator *JHM*

SUBJECT: **PUBLIC HEARING**
Petition #94-08, PLANNING AND DEVELOPMENT BOARD, ALD. JOHNSON & LINSKY recommending amendments to Section 30-1, Definitions; Section 30-8, Use Regulations for Single Residence Districts; Section 30-8(b), Special Permits in Single Residence Districts; Section 30-9(b), Special Permits in Multi Residence Districts; Section 30-19(b), Number of Parking Stalls; Section 30-20(e), Regulation of Signs in Residence Districts; and Section 30-24, Special Permits, by deleting certain provisions and adding new provisions **to regulate home businesses**.

CC: Board of Aldermen
Planning and Development Board
Mayor David B. Cohen
John Lojek, Commissioner of Inspectional Services
Marie Lawlor, Assistant City Solicitor
Elizabeth Dromey, Director, Assessment Administration

RECOMMENDATION: SEE "RECOMMENDATIONS" SECTION WITHIN

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Boards. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

Petition #94-08 was first heard on September 22, 2008. It was approved with amendments by the Zoning and Planning Committee; was then chartered and recommitted to ZAP by the full Board; and, after a second approval with amendments by the committee, the petition was recommitted to the committee a second time. This petition, which has been further amended, will be heard again on February 23, 2009.

This memo summarizes information presented in previous memos regarding petition #94-08 and provides updates and new analysis where the proposed zoning language has been amended. There are two attachments to the memo:

- Attachment A: proposed zoning text amendment; and
- Attachment B: comparison of home businesses as they are regulated by the current zoning ordinance and as they would be regulated by the proposed ordinance.

I. BACKGROUND

In 2002, questions arose about the current Zoning Ordinance's regulation of home businesses. In response to complaints from neighbors of some home businesses, Ald. Marcia Johnson questioned whether the ordinance properly protected residential neighborhoods from traffic generated by home businesses and, subsequently, Ald. Johnson, Ald. Bullwinkle and Ald. Linsky docketed an item to review the home businesses ordinance (Docket Item #330-02, which was voted "No Action Necessary" once the hearing was scheduled for Docket Item #94-08).

In September 2004, the Planning and Development Board voted to review the home business ordinance, as members questioned whether the ordinance was, in other ways, overly restrictive, particularly in light of new technologies, such as the Internet, that make possible new types of home businesses not envisioned when the City's home business ordinance was adopted or previously amended. The Planning Board created a Home Business Task Force ("Task Force"), chaired by Planning Board Member David Banash, that examined potential improvements to the ordinance that would encourage home businesses and the economic development they provide, while also preserving the residential character of neighborhoods and protecting those neighborhoods from interference from home businesses.

The Task Force proposed, and the Planning Board approved, a set of proposed zoning changes to the home business ordinance. That amendment (Petition #94-08) was heard on September 22, 2008 and approved with amendments by the Zoning and Planning Committee; the item was chartered and recommitted to ZAP by the full Board and again approved as amended by the committee on December 1, 2008. It has since been recommitted to ZAP and further amendments made.

The most significant changes between the original petition heard in September of last year and the version to be heard on February 23 include:

- **Special permit granting authority:** The current proposal keeps special permit granting authority with the Board of Aldermen, rather than moving it to the Planning Board; the site plan review requirement, originally proposed to be removed, would remain a part of special permit review.
- **Traffic and parking:** To address concerns about traffic generated by home businesses, the current petition proposes to limit home businesses to 18 trips to and from business

premises, and to limit the home businesses to two parking spaces. The most recent revision includes a phrase defining “daily vehicle trip” as a one-way journey to or from the business. Trip generation and parking levels could be exceeded with a special permit. In addition, four exceptions to these rules would be allowed per year without a special permit but with approval of the Commissioner of Inspectional Services.

The most recent version of petition #94-08 also includes changes to the definition (intended to stress that a home business is *secondary* to the residential use of a property and *may not* change the residential character of the premises); references to exceptions to the home business ordinance (specifically, uses allowed in all districts such as agriculture and home child care); and a clarification that a business may not exceed 30% of the ground floor area footprint as opposed to 30% of the entire dwelling.

The current home business ordinance is reviewed in Part II below, and the proposed amendments are summarized in Part III.

II. CURRENT HOME BUSINESS ORDINANCE

The City’s Zoning Ordinance currently regulates home businesses, which it defines as commercial activities that take place within residential dwelling units, by:

- Listing permitted home businesses (though it does not limit home businesses to only those listed) and explicitly prohibiting others (*see Sec. 30-1, Definitions, in current ordinance*);
- Allowing home businesses as-of-right in single- and multi-residence (zoning) districts if they are consistent with the list of acceptable businesses and meet a set of criteria concerning space devoted to the business, the number of nonresident employees and clients on-site at a given time, storage and sale of merchandise, signage, provision of parking, and impact on neighbors (including noise and traffic) (*see Sec. 30-8(c) and Sec. 30-9(a) in current ordinance*); and
- Allowing the Board of Aldermen to grant special permits for home businesses in single- and multi-residence districts that exceed the as-of-right thresholds for nonresident employees or clients or floor area, or that involve the waiver of parking requirements or the use of an accessory structure (*see Sec. 30-8(b), Sec. 30-9(b), and Sec. 20-24 in current ordinance*).

The current Zoning Ordinance also regulates signage (*see Sec. 30-24*) and parking for home businesses (*see Sec. 30-20(e)*).

In addition to compliance with the City’s zoning requirements, by state law, *home businesses must register with the City Clerk if they will operate under a different name than that of the individual doing business* (i.e., “doing business as” or “DBA”). When completing DBA forms, these businesses are required to complete a “Home Business/Office Affidavit,” which is reviewed by one of the Local Building Inspectors for zoning consistency.

It is important to note that businesses operating under the names of individuals (residing in the dwelling unit) are not likely to fill out this affidavit and undergo review, as they do not need to register with the City Clerk.

III. PROPOSED AMENDMENTS

Petition #94-08 proposes a number of changes to the regulation of home businesses in the City's Zoning Ordinance. *Please see Attachment "A" for a complete copy of the amendment.* The petition's main changes include:

- **Greater reliance on performance standards.** Instead of listing specific home businesses that may be permitted or prohibited, the proposed zoning would rely more heavily on a set of performance standards to judge the *effect* of a home business on its surrounding residential areas. Of particular note, the proposal amends the definition of "home business" (*in Sec. 30-1*) to remove lists of particular businesses, and includes a more quantifiable traffic standard (*in Sec. 30-8(c)(7)(iii) of petition*) that, if exceeded, would trigger a requirement for special permit.
- **Tiered approach.** Petition #94-08 proposes a tiered approach for home businesses (*Sec. 30-8(c) of petition*):

1. **As of right.** Home businesses with no non-resident employees or customers¹ would be allowed as-of-right unless meeting the criteria for a special permit.
2. **As of right, with Commissioner of Inspectional Services registration.** Home businesses with minimal impacts would be required to register with the Commissioner of Inspectional Services that would include a zoning (consistency) review. These home businesses would have a limited number of non-resident employees or clients (a total of four (4) or fewer clients and/or employees at a given time, and two (2) or fewer employees at a given time) and would not meet the other criteria for special permit.

Businesses seeking to exceed the traffic or parking limits for a special event, but that otherwise do not meet the requirements for a special permit, could apply for a permit issued by Inspectional Services for an event up to four times per year.

3. **Special permit and Commissioner of Inspectional Services registration.** Home businesses meeting or exceeding the following criteria would be required to register with the Commissioner of Inspectional Services that would include a zoning (consistency) review *and* to obtain a special permit (*special permit criteria are set out in Sec. 30-8(c)(7) of petition*):
 - Presence of more than four nonresident employees and/or customers on site at a time;
 - Presence of more than two nonresident employees on site at the same time;
 - Generation of more than 18 daily vehicle trips, with a trip defined as a one-way journey to or from the property;
 - Use of more than two parking spaces;
 - Use of an area, anywhere in the house, greater than 30% of the ground floor footprint;
 - Use of accessory buildings or outdoor space for business (excluding parking); and
 - Care or keeping of more than three animals.

¹ "Employee" is used in this memo to refer to associates, owners, employees, or contractors, while "customer" is used here to refer to customers, pupils, clients, and patients. The expanded lists of terms are used in petition #94-08. —

- **Traffic and parking standards.** Traffic and parking are the main enforcement concerns associated with the current home business ordinance. One of the main changes to petition #94-08 since its first (public) hearing has been to make trip generation and parking space demand triggers for special permits; that is, if home businesses exceed 18 daily trips or two parking spaces, they would not be allowed as-of-right (*Sec. 30-8(c)(7)(iii) and (iv) of petition*). Additionally, the petition would require one parking space (on- or off-site) for a home business having nonresident employees or clients unless the Board of Aldermen require additional spaces in acting on a request for special permit. (*Sec. 30-19(d) of petition*).

Petition #94-08 proposes a number of other changes to clarify and remove conflicts from current zoning provisions, and to update the ordinance to reflect new technologies driving today's home businesses.

- **Number of employees and customers.** This petition would allow a **maximum total of four nonresident employees and customers** at a given time without a special permit. This number includes a **maximum number of two nonresident employees**. Current zoning provisions allow one nonresident employee (two for physicians or dentists) and three customers. *While this petition increases the possible number of allowed customers at a time from three to four, the overall number of allowed nonresidents (the combination of nonresident employees and customers) remains the same at four (and is in fact reduced for physicians and dentists).* (*Sec. 30-8(c)(7)(i) and (ii) of petition.*)
- **Resolution of conflicts or ambiguities in existing zoning.** The proposal aims to resolve ambiguities and conflicts in existing zoning of concern to home businesses, including the following:
 - **Location of business outside of primary dwelling:** Current language states that a home business must be located within a dwelling unit (*see Sec. 30-8(c)(1) of current zoning*) but then states that a special permit may be obtained for a business in a detached accessory building or outside (*Sec. 30-8(c)(11)d of current zoning*). The petition clarifies this issue by stating in the definition of home businesses that they may occur anywhere on the residential premises (*Sec. 30-1 of petition*) but that home businesses occupying space in an accessory structure or outside require a special permit (*Sec. 30-8(c)(7)(vi) of petition*).
 - **Storage and sale of merchandise.** The petition removes an apparent conflict in current zoning provisions regarding the sale of merchandise and now allows items to be sold from residential premises only if: 1) those items are not stored or physically available at the home (e.g., off-site Internet sales), or 2) those items are produced entirely on site (*Sec. 30-8(c)(3) of petition*). Regarding storage, only goods produced on-site may be stored at a home business. Other sale or storage of merchandise would not be allowed.
 - **Signage.** The petition removes a conflict in the current ordinance, where a sign of up to one square foot is allowed in the home business regulations and a sign of up to two square feet is allowed in the sign regulations. The petition proposes that one sign up to one square feet be permitted (*Sec. 30-8(c)(4) and Sec. 30-20(e) of petition*).

- **Location of business within a dwelling unit:** Current zoning provisions limit home businesses to no more than 30% of the ground floor of a dwelling unit without a special permit. The proposed changes simply aim to clarify that a business may occupy space on an upper floor or in a basement if the total area devoted to the business does not exceed 30% of the ground floor area *footprint (Sec. 30-8(c)(7)(v) of petition)*.
- **Businesses in accessory apartments.** Current zoning provisions prohibit home businesses in accessory apartments. This petition removes this prohibition but states that businesses in accessory apartments may not have any nonresident employees or clients present (*Sec. 30-8(c)(6) of petition*).
- **Addition of other possible impacts.** To the list of negative impacts including noise, vibration, glare, fumes, odors, and electrical interference that a home business is not allowed to impose on a residential neighborhood, this petition would add smoke, dust and other particulate matter, heat, and humidity. Note that “traffic congestion” currently appears with these other impacts, but the petition would separate traffic, moving it to the special permit criteria section, 30-8(c)(7) (*Sec. 30-8(c)(5) of petition*). Note also that the care and keeping of more than three animals would now require a special permit (*Sec. 30-8(7)(vii) of petition*).

IV. ANALYSIS AND RECOMMENDATIONS

The Planning Department’s analysis focuses on several issues for your consideration: economic development, enforcement (limits of daily trips), registration, definition of home business, and consistency and clarity.

1. **Economic Development.** The Planning Department believes the proposal may encourage home businesses by allowing more than one business in a home. The current ordinance allows only one home business per residence, even though computer technology makes it possible to operate multiple businesses from the same computer with little or no effect on immediate residential areas. The petition would permit multiple businesses with the important caveat that *all home businesses combined must meet conditions set out in the petition.*
2. **Traffic and Parking.** In its current form, the petition proposes limiting businesses to 18 daily trips to or from a residential property and two parking spaces without a special permit (and with **four exceptions to these rules per year with approval of the Commissioner of Inspectional Services**). The Planning Department supports the concept of quantifiable criteria to aid in enforcement efforts, but expresses some reservation with the proposed limit of 18 daily trips, as it may be too high a limit; perhaps a limit of 16 daily trips should be considered.
3. **Commissioner of Inspectional Services registration.** The Planning Department supports the proposed registration with the Commissioner of Inspectional Services that would include a zoning (consistency) review for businesses expecting non-resident employees or clients on the residential premises. Registration provides several benefits. Most importantly, it provides an opportunity for a home business owner to review with one of the Local Building Inspectors the regulations surrounding home businesses, including trip generation criteria, to ensure that those businesses needing a special permit are directed to that process, and also provides a record that the business

owner agreed to abide by zoning criteria, a document to which the City's Zoning Enforcement Agent can refer should enforcement issues arise in the future. Second, registration provides a record for the city of the numbers and types of businesses with potential neighborhood impacts, data that would be useful in further reviews of the home business ordinance. Finally, registration could increase the number of home businesses known to the City's Assessing Department. Currently, if the City's Assessing Department is aware of a home business, an assessor visits the property and assigns the commercial tax rate to the percentage of the residence in business use. This would remain true if the proposed petition were adopted, but the number of businesses known to the city would likely increase due to the registration requirement.

4. **Definition of Home Business.** In recent discussion of petition #94-08, the question has been raised of whether employees who occasionally take work home (e.g., teachers who sometimes grade papers at home) would be considered to have home businesses. The proposed definition of home business could, *but would not likely*, be interpreted as including all people who do take work home, as there would be no noticeable effect or negative impacts on the surrounding residential areas (e.g., the individual does not see clients or have other employees visit the house more than one day per week, the business not produce noise or other impacts, etc.). The proposed definition is not significantly different in this regard from the current definition, which describes a home business as "Any commercial activity conducted within a dwelling unit by the residents thereof..." An alternative definition, which would limit home businesses to only those *based* in a home, raises the possibility that people will conduct work at home that, while it may be based elsewhere, *does* have significant neighborhood impacts: for example, a contractor whose business is based in a commercial district but who meets employees at his or her residence every morning could have significant traffic and parking impacts on a neighborhood that could be unchecked if the definition referenced only businesses "based" in a home.
5. **Other Issues.** The Planning Department believes that the proposed petition improves upon the current home business provisions by providing clarity and resolving ambiguous and conflicting issues (e.g. regarding the storage of merchandise and size of signs).

V. RECOMMENDATION

The Planning Department supports petition #94-08 as amended, as it would:

- Modernize the ordinance by removing outdated lists of permitted and prohibited businesses and allowing multiple businesses at the same address, provided that all businesses combined meet zoning requirements;
- Allow home businesses with little or no impact on surrounding residential areas to operate much as they do under current zoning;
- Provide a quantitative criteria for measuring traffic and parking impact (but allow businesses to exceed criteria either on a special event basis, or with a special permit); and
- Aids enforcement efforts by requiring registration with the Commissioner of Inspectional Services that would include a zoning (consistency) review for businesses that will have persons on premises who do not reside in the home.

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

February 3, 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON
AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are
hereby further amended with respect to Chapter 30 **Zoning** as follows:

1. Amend Zoning **Section 30-1 Definitions** by deleting the definition of Home Business
and inserting in its place the following language:

Home business: Any occupation, profession or activity conducted for gain within a
dwelling, a building accessory to the dwelling, or elsewhere on the residential premises
that:

- (a) is incidental and secondary to the use of the dwelling for human habitation; and
- (b) does not change the primary residential character of the premises.

2. Amend Zoning **Section 30-8. Use Regulations for Single Residence Districts** by
deleting subsection (c) and inserting in its place the following subsection:

(c) *Home Businesses.* In single residence districts, one or more home businesses shall
be permitted subject to the following provisions, with the exception of uses regulated by
Section 30-5 (including agriculture, horticulture, floriculture, viticulture, and a family
child care home and large family child care home) that are not subject to regulation by
Section 30-8(c):

- (1) Registration of home businesses with the Commissioner of Inspectional
Services (CIS) shall be required on a form prescribed by him where such
businesses:
 - (i) will have persons not resident on the premises, such as associates,
employees, clients, patients, students or customers, on the premises more than
one day per week; or
 - (ii) will require a special permit pursuant to item (7) below.

- (2) The home businesses shall be conducted partially or wholly by persons residing in the dwelling unit.
- (3) No merchandise shall be stored or be physically available at any home business for sale, lease, or other transfer or for shipment except for items produced entirely at or by the home business or for use incidental to it.
- (4) There shall be no exterior display or storage of inventory or equipment and no exterior indication of any home business except for signs as provided at Section 30-20 entitled "Signs and Other Advertising Devices."
- (5) No home business shall result in noise, vibration, glare, fumes, odors, smoke, dust or other particulate matter, heat, humidity or electrical interference in excess of that otherwise common in the neighborhood at the times produced, nor shall any home business disrupt the peace, tranquility or safety of the neighborhood provided, however, that nothing herein shall be deemed to reduce in scope or effect any other ordinance relating to the above.
- (6) No home business located in an accessory apartment authorized under the provisions of section 30-8(d)(2) or 30-8(d)(4) shall employ or cause to otherwise be present any persons not resident therein.
- (7) A home business, or all home businesses combined that are conducted in a dwelling unit, if involving any of the following, may be allowed only by special permit granted by the board of aldermen pursuant to section 30-24(d):
 - (i) presence of more than four persons not resident in the dwelling unit such as associates, owners, employees, contractors, clients, students, patients, customers or others associated with the business on the premises at any time;
 - (ii) presence of more than two associates, owners, or employees or contractors not resident therein working on the premises at any time;
 - (iii) generation of more than eighteen (18) daily vehicle trips, where a vehicle trip is defined as a one-way journey that begins or ends at the premises. No special permit will be required, however, where such number of daily vehicle trips will be exceeded no more than four (4) times in any calendar year, provided forty-eight hours advance notice for each such time is filed with the Commissioner of Inspectional Services on a special form to be provided, along with a copy of this ordinance, at the time of registration under section (c) (1) above.
 - (iv) demand for or utilization of more than two (2) parking stalls, whether on or off-street. No special permit will be required, however, where demand for or utilization of more than two parking stalls, whether on or off-street

will be exceeded no more than four (4) times in any calendar year, provided forty-eight hours advance notice for each such time is filed with the Commissioner of Inspectional Services on a special form to be provided, along with a copy of this ordinance, at the time of registration under section (c)(1) above.

- (v) utilization of an area that exceeds thirty percent (30%) of the ground floor footprint of the dwelling unit or, in the case of a two-family or multi-family dwelling, more than thirty percent (30%) of the gross floor area of an individual dwelling unit;
- (vi) occupation of space in an accessory building or, except for parking, outdoor space;
- (vii) the care or keeping of more than three animals belonging to persons not resident on the premises.

3. Amend Zoning **Section 30-8(b) *Special Permits in Single Residence Districts*** by:

Deleting paragraph (12) and inserting in its place the following language:

“(12) Home businesses subject to the provisions of section 30-8(c)(7);”

4. Amend Zoning **Section 30-9(b), *Special Permits in all Multi-Residence Districts*** by

Deleting paragraph (6) and inserting in its place the following language:

“(6) Home businesses subject to the provisions of section 30-8(c)(7).”

5. Amend Zoning **Section 30-19(d) *Number of Parking Stalls*** by adding subparagraph (22) at the end thereof to read as follows:

“(22) One stall for a dwelling unit in which one or more home businesses have one or more adult not resident on the premises, such as associates, owners, employees, contractors, clients, patients, students or customers on the premises more than one day per week unless a larger number is required by the board of aldermen in acting on a special permit under Section 30-8(c)(7). An existing driveway may be considered to provide that stall notwithstanding any requirement of Section 30-19(h)(5) a) requiring that access must not involve the moving of another vehicle.”

6. Amend Zoning **Section 30-20(e) *Regulation of signs in residence districts*** as follows:

A. Delete subparagraph d) of Section 30-20(c)(2) and insert in its place the following language:

“d) Signs displaying the name and address of the occupants of a dwelling or its permitted accessory use or occupation, which shall not exceed one (1) square foot and which for a permitted accessory use or occupation shall not be illuminated;”

B. Delete subsection (1) of Section 30-20(e) and insert in its place the following language:

“(1) For each dwelling unit within a one- or two-family dwelling there may be one (1) sign displaying the name and address of the dwelling’s occupants together with any permitted accessory use or occupation, not to exceed one (1) square foot.”

Comparison of Home Businesses as Regulated by Current and Proposed Ordinances

Assumptions: unless otherwise specified, it is assumed that the business occurs in a primary residence (not accessory building or apartment); the business occupies less than 30% of the ground floor footprint, the business conforms with signage regulations and does not result in noise, smoke, vibration, or other negative impacts on the neighborhood, and the business fulfills parking requirements of both current zoning and petition.

Home Business Scenario	Current Ordinance	Petition #94-08 as amended
Piano teacher seeing one student at a time, with no employees who do not reside on site	<p>Allowed, provided:</p> <ul style="list-style-type: none"> • Business does not produce traffic congestion beyond what normally occurs in the immediate residential area and sufficient parking is provided 	<p>Allowed, provided:</p> <ul style="list-style-type: none"> • Registration with ISD • No more than 18 trip ends or 2 parking stalls daily <p><i>Special permit available if traffic and parking projections exceed these numbers.</i></p>
Direct Sales Business (e.g. Avon, Tupperware), with no employees who do not reside on site but with client visits to the site	<p>Allowed, provided:</p> <ul style="list-style-type: none"> • No storage of merchandise for sale • Gatherings are limited to 3 or fewer customers at any time • Business does not produce traffic congestion beyond what normally occurs in the immediate residential area. <p><i>Special permits are available for presence of more than 3 clients at a time.</i></p>	<p>Allowed, provided:</p> <ul style="list-style-type: none"> • Registration with ISD • No storage of merchandise for sale • Gatherings are limited to 4 or fewer customers • Business does not generate more than 18 trip ends or require more than 2 parking spaces daily <p><i>Special permits are available for the presence of more than 4 customers at a time or if traffic and parking numbers exceed limits. An ISD permit is available for special events where trip and parking limits will be exceeded, up to 4 times per year.</i></p>
eBay business (buying and selling goods), with no employees who do not reside on site, and no on-site customers	<p>Not allowed if the business involves storage of merchandise not produced in the home, allowed if the business involves storage of merchandise produced in the home.</p>	<p>Not allowed if the business involves storage of merchandise not produced in the home, allowed if the business involves storage of merchandise produced in the home.</p>

Home Business Scenario	Current Ordinance	Petition #94-08 as amended
Repair shop, barber shop, hairdresser, real estate broker, orchestra or instrumental music group	Not allowed (these are listed among the specific businesses that are not included as a "home business")	Allowed , provided: <ul style="list-style-type: none"> • Registration with ISD • No more than 18 trip ends or 2 parking spaces daily • No more than 4 nonresident clients/employees on site at the same time • No other neighborhood impacts as set out in the ordinance (e.g. noise) <i>Special permits are available for the presence of more than 4 customers at a time or if traffic and parking numbers exceed limits.</i>
Antique shop	Not allowed (listed among the specific businesses that are not included as a "home business")	Not allowed (petition would not allow sale of merchandise on site)
Editor, website developer, etc. with no non-resident employee or clients on site	Allowed	Allowed
Artist, assuming space is used as a studio, with rare client visits, and no employees who do not reside on site	Allowed , provided: <ul style="list-style-type: none"> • No noise or other disruptions beyond that which normally occurs in the immediate residential area 	Allowed , provided: <ul style="list-style-type: none"> • No noise or other disruptions in excess of what is common in the neighborhood
Medical professional with 2 staff	Allowed , provided: <ul style="list-style-type: none"> • 1 staff person is a technician • Traffic congestion does not exceed what is normally seen in the neighborhood • There are not more than 3 customers present at any given time • Sufficient off-street parking is provided <i>Special permit available for exceeding client or employee numbers, or for waiver of off-street parking requirement.</i>	Allowed , provided: <ul style="list-style-type: none"> • Registration with ISD • Presence of 2 or fewer nonresident employees, and 2 or fewer clients at a time (total employees and clients can not exceed 4 without a special permit) • No more than 18 trip ends or 2 parking spaces daily <i>Special permits available for exceeding client/ employee number, trip generation, and parking limits.</i>

Home Business Scenario	Current Ordinance	Petition #94-08 as amended
Psychiatrist or teacher seeing clients as a group, with no other staff	<p>Allowed, provided:</p> <ul style="list-style-type: none"> • No more than 3 clients at a time • Traffic congestion does not exceed what is normally seen in the neighborhood • Off-street parking requirements are met <p><i>Special permit available for exceeding client / employee numbers or for waiver of off-street parking requirement.</i></p>	<p>Allowed, provided:</p> <ul style="list-style-type: none"> • Registration with ISD • No more than 4 clients at a time • No more than 18 trip ends or 2 parking spaces daily <p><i>Special permit available for exceeding client/ employee number, trip generation, and parking requirements.</i></p>
Dog daycare for more than 3 dogs, no other employees	Allowed , assuming “noise” element in 30-(c)(8) is not violated	Allowed by special permit only
Animal hospital	Not allowed (listed among the specific businesses that are not included as a “home business”)	Allowed by special permit only
Internet business in accessory apartment, no employees or client visits	Not allowed (home businesses not permitted in accessory apartments)	Allowed , unless apartment is located in an accessory structure, and then a special permit would be required